IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 12789 of 1997

Between:

Gundreddy Venkateswara Reddy, S/o Chenna Reddy

Aged about 62 years,
R/o Giddalur Giddalur Mandal, Prakasam District.

.... PETITIONER

AND

1. The District Collector (Revenue)
   Ongole Prakasam Dist.,
2. The Mandal Revenue Officer,
   Giddalur Prakasam Dist.,
3. The Executive Officer,
   Giddalur Grama Panchayat, Giddalur
   Prakasam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction directing the Respondents not to interfere with the possession of land measuring an extent of 0.07 cents in S.No.739/A of Giddalur, Prakasam District by declaring the action of the Respondents in trying to occupy the said land without following due process of law as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner: MR.T.NIRANJAN REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

The writ petition is filed for a writ of Mandamus or any other appropriate writ, order or direction, directing the respondents not to interfere with the possession of the land measuring an extent of Ac. 0-07 cents in Sy.No.739/A of Giddalur, Prakasam District by declaring the action of the respondents in trying to occupy the said land without following due process of law, as arbitrary, illegal and unconstitutional.

The case of the petitioner is that his father purchased an extent of Ac.0-20 cents of land in Sy.No.739/A of Giddalur village under a registered sale deed from one Subbaiah and others on 17-05-1946, for a valuable consideration and his father sold an extent 13 cents of land out of the total extent of 20 cents to one Damerla Gangaiah, son of Bala Kondaiah, under a registered sale deed, dated 03-09-1985. After purchasing the property, the said Gangaiah constructed a cinema theatre in the name and style of 'Krishna Theatre". It is stated that the third respondent and certain others came to his site and started measuring the site and when the writ petitioner questioned as to why he was measuring the land, he gave evasive replies. On enquiry, the writ petitioner came to know that the third respondent is contemplating to construct an Anganvadi School in the total extent of 7 cents of land belonging to the petitioner. Immediately, the petitioner met the second respondent and had shown him the documentary evidence of his title and possession over the entire extent of 7 cents of land. But, however, the second respondent expressed his inability to help him in the matter. Certain other allegations relating to political controversy had also been specified in the affidavit filed in support of the writ petition. In the said circumstances, the writ petition was filed.

Inasmuch as the petitioner is claiming right over the property, it would be just

and appropriate on the part of the respondents 1 and 2 to put the petitioner on notice and to further proceed with the matter in accordance with law, if not already dispossessed.

The writ petition is accordingly disposed of. No order as to costs.

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15.02.2005

Lrkm.

To

1. The District Collector (Revenue)
   Ongole Prakasam Dist.,
2. The Mandal Revenue Officer
   Giddalur Prakasam Dist.,
3. The Executive Officer
   Giddalur Grama Panchayat, Giddalur
   Prakasam District.

4. 2 CCs to G.P for Revenue, High Court Bildgs, Hyd. (OUT)

5. 2 CD copies.